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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,503	04/19/2004	Oded Cohen	2808/28	1946
7590 04/09/2007 DR. MARK FRIEDMAN LTD. C/o Bill Polkinghorn Discovery Dispatch 9003 Florin Way Upper Marlboro, MD 20772			EXAMINER LIPMAN, JACOB	
			ART UNIT	PAPER NUMBER
			2134	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/09/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/826,503

Applicant(s)

COHEN ET AL.

Examiner

Jacob Lipman

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 3 recites the limitation "said code is auto-executable". The specification does not define the term "auto-executable". The term was not found in any dictionary. It is unclear what this term adds to executable. If a file is executable, it can be executed automatically, and is thus auto-executable. For the sake of this office action, the examiner understands this claim to mean that the object is automatically removed from the envelope when inspection and release is complete.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-11, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al., USPN 6,088,803 in view of Hall, USPub 2004/0054928

A1.

With regard to claim 1, Tso discloses a method for preventing activating a malicious object passing through a checkpoint (column 2 lines 16-19), and decreasing the overall inspection delay thereof (column 3 lines 11-14), the method including the steps of, creating an envelope file (column 3 lines 14-19) at the checkpoint, being an file including the object; and an indicator for indicating the integrity of the object (whether the final segment is present, column 3 lines 28-32), and forwarding the envelope file instead of the object toward its destination (column 3 lines 39-41), while holding at least a part of said envelope file which comprises the indicator (column 3 lines 23-28), inspecting the object (column 3 lines 41-44), setting the indicator on the envelope file to indicate the inspection result and releasing the rest of the envelope file (column 3 lines 62-65). In Tso, the envelope file is a copy of the object missing the final segment, and is not executable with code that extracts the object. Hall discloses an executable wrapper used to protect files (block 0044). Hall teaches that the wrapper protects a file from being executed without checking an authorization algorithm by hiding the object, and supplementing an executable wrapper that will release the object if authorization is checked (blocks 0044-0045). While Tso does not disclose using a wrapper, he does disclose that it is desirable to restrict the object from unauthorized use (column 32-38). It would have been obvious for one of ordinary skill in the art to secure the object of Tso by wrapping it in the wrapper of Hall for the motivation of better safeguarding the computer system, a stated motivation of Tso (column 1 lines 28-35), and to prevent attacks as taught by Hall (block 0045).

With regard to claim 2, Tso discloses the checkpoints as a proxy server (column 3 lines 20-23).

With regard to claim 4, Hall discloses the envelope can have the same name as the object (both "ls", block 0045).

With regard to claim 5, Hall discloses the file name is different from that of the object (different paths, block 45).

With regard to claim 6, Tso discloses the indicator is absence of a part of the object (column 3 lines 23-28).

With regard to claims 7 and 8, Tso discloses that part of the envelope file and object are held by the checkpoint (column 3 lines 23-28).

With regard to claim 9, Tso discloses the envelope missing the final bytes of the object (column 3 lines 36-38), thus it holds the indicator.

With regard to claims 3, 10, and 11, Hall teaches that a non-malicious object can be immediately executed, and does not need a wrapper (block 0044). Tso teaches that once a program has been checked, it can be released (column 3 lines 62-65). It would have been obvious for one of ordinary skill in the art to remove the wrapper when it is no longer necessary to reduce extra processing time and to maximize efficiency, a stated motivation of Tso (column 3 lines 9-14). This would further be a display of the integrity of the object (that it no longer is wrapped).

### ***Response to Arguments***

6. Applicant's arguments filed 22 January 2007 have been fully considered but they are not persuasive.

Applicant argues limitations from the specification. While the claims are read in light of the specification, limitations from the specification are not read into the claim in order to allow applicant to claim his invention broadly. If applicant wants limitations from the specification describing aspects of the file wrapper to be considered, he should include them in the claim.

Applicant refers to cited portions of the art. The examiner does not cite any portions of prior art. The claims are rejected over the entire art. Columns and line numbers included in parenthesis are to help give applicant a general idea of what aspects of the art correspond to the claims.

With regard to applicant's argument that Tso does not retain an indicator the examiner points to the retained file portion (column 3 lines 23-32), which indicates if virus checking has occurred and if complete transmission was authorized.

With regard to applicant's argument that the publication of Hall is missing figures and thus is ambiguous, the examiner disagrees. Hall clearly describes the wrapper, and the figures are not necessary for one of ordinary skill in the art to understand Hall. Hall discloses wrapping an executable so an attacker would not know the location of the actual executable code.

With regard to applicant's argument that there is no motivation to combine Hall and Tso, the examiner again states that the motivation is to better safeguard the computer system against different types of attack. Applicant admits that Hall and Tso are safeguarding against different types of attack. It is well known in the art, and highly desirable to protect against multiple types of attack.

With regard to applicant's argument that auto-executable is a well known term and is defined in paragraph 12 of the specification, the examiner points out that the specification merely uses the same term without defining it or describing it's meaning in any way. The examiner stated that it would be understood as meaning just executable, and applicant suggested that this proves that the term is clear. If the term means nothing more than "executable", it should say only "executable" and not "auto-executable", which the examiner could not find in any dictionary.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 571-272-3837. The examiner can normally be reached on M-Fr.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL JL

  
KAMBIZ ZAND  
PRIMARY EXAMINER